

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Lee County, Florida)
for a Declaratory Statement Concerning)
the Conservation Status of Electric)
Power and Energy Produced from the)
Lee County Resource Recovery Facility)

DOCKET NO. 970898-EQ

FILED: 10/15/97

RESPONSE TO LEE COUNTY'S MEMORANDUM

In its Memorandum in Response to LEAF's Petition to Intervene, Lee County made a number of erroneous or misleading factual allegations. So that these inaccurate claims are not presumed true, LEAF files this Response to Lee County's Memorandum and states:

1. Burning municipal waste consumes non-renewable fossil-fuels. Many high-heat-rate materials in municipal waste are made of non-renewable fossil fuels (e.g., plastic). Also, since most materials in municipal wastes were produced using energy derived from non-renewable fossil fuels, non-renewable fossil-fuels are consumed when these materials are burned rather than reused or recycled. When municipal waste is burned, non-renewable fossil

fuels are consumed -- not, as Lee County erroneously alleges, conserved.

2. Recycling and reuse are environmentally preferable to incineration. Many of the municipal wastes burned by Lee County's incinerator could be cost-effectively recycled or reused. These wastes need not, as the County alleged, become "uselessly discarded in landfills" if they are not incinerated. Lee County urges a finding based on Section 377.709, F.S., that incineration is preferable to landfilling. Though LEAF maintains Section 377.709

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is irrelevant to this proceeding, we note that other statutory provisions make it clear that recycling and reuse are preferable to municipal waste disposal, whether by incineration or landfill. See, e.g., Sections 187(13)(b)(1); and 403.702(2)(g), Florida Statutes.

WHEREFORE, LEAF respectfully requests that the Commission deny Lee County's Petition for a Declaratory Statement.

Respectfully submitted,

Debra Swim

Debra Swim
Gail Kamaras
Legal Environmental Assistance Foundation
1115 N. Gadsden Street
Tallahassee, FL 32303

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and fifteen copies of the foregoing was hand delivered to the Division of Records and Reporting, Florida Public Service Commission, and that true copies were sent by U.S. Mail to David M. Owen, Office of the County Attorney, 2115 Second Street, P.O. Box 398, Ft. Myers, FL 33902 and hand delivered to the following individuals this 15th day of October, 1997.

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Sierra Club
National Solid Waste Committee

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FPSC Records/Reporting

September 15, 1997

Ms. Mary Ann Helton
Florida Public Service Commission
Division of Legal Services
Tallahassee, FL 32399-0850

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Re: Lee County Declaratory Statement Request, FPSC Docket No. 970898-EG

Dear Ms. Helton:

The Lee County request that burning garbage be counted as a conservation measure contains a number of invalid assertions.

The alternative to incineration is not, as Lee County claims, "throwing away in conventional landfills." Engineering studies have shown that 90% of MSW can be managed through reduction, reuse, recycling, and composting. All of these techniques conserve energy and resources that are wasted through incineration or landfilling.

The County's contention that burning garbage saves energy relative to other potential uses of the material is incorrect. A number of studies have concluded that the energy obtained in burning garbage is less than would be saved through recycling various materials in the waste. I enclose a copy of a comparison that I did for the Sierra Club National Committee on Solid Waste.

The production of all materials in the waste stream requires the consumption of energy, most of which is derived from non-renewable fossil fuels. Thus, the claim that burning MSW displaces a non-renewable fuel with a renewable one is false.

Lastly, since incinerators are not financially feasible unless the entire waste stream is committed through long-term put-or-pay contracts, recycling and other energy-saving techniques are actually discouraged. Thus, incineration is in direct competition for materials that should be managed through resource and energy-conserving techniques. Approval of this request would create more preferential treatment for incinerators, to the detriment of these preferred techniques.

The Sierra Club urges strongly that this request be denied by FPSC.

Sincerely,

Dwight Adams

Dwight Adams, Ph.D.
Professor of Physics

cc: K. Dudley, B. Bayo

